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SNELL & WILMER  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX, AZ 850040001

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/880,723	Applicant(s) TARVYDAS ET AL.	
	Examiner Rob Rhode	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amendment of 4-28-05 traversed rejections of Claims 1 - 51.

Currently, claims 1- 51 are pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 31, 39, 40, 45 - 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims, the phrase "consistent user interface " is a relative phrase, which renders the claims indefinite. The phrase " consistent user interface " is not defined by the claim(s), the specification, while providing a generic example does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. Moreover, the phrase and particularly the word "consistent" is so broad as inhibiting a reasonable determination of the metes and bounds of the claims. For examination purposes, the phrase "consistent user interface" will be interpreted as providing a consistent user interface as provided by Internet/Microsoft™ Explorer or Netscape browsers.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 2, 9 – 10, 12, 22 - 26, 28 - 31, 36, 39 – 40 and 45 - 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiAngelo (US 6,101,482) in view of W/O 00/31657 (hereafter referred to as “Redcart”).**

Regarding claim 1 and related claims 31, 39 – 40 and 45 – 47, DiAngelo teaches a method, system and apparatus with computer readable medium of providing a consistent user interface to allow a consumer to order products via a network, comprising:

providing a search component for searching a local database for information relating to at least one product prior to searching at least one website for said information (see at least Col 16, lines 26 -33);

providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant (see at least Abstract and Col 2, lines 24 – 51 and Figure 1);

providing a universal shopping cart link for retrieving a universal shopping cart (see at least Col 2, lines 21 – 24).

While DiAngelo does disclose a user interface with universal shopping cart to allow a consumer to order products, the reference does not specifically disclose and teach a

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method and system including an apparatus with computer readable medium for providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site.

On other hand and in the same area of a user interface with a universal shopping cart to allow a consumer to order products, Redcart teaches a method and apparatus with computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart (see at least Abstract, Page 2, lines 32 - 43); and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site (see at least Abstract and Page 2, lines 32 - 43).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provide the method and system with computer readable medium of DiAngelo with the method, system and computer readable medium of Redcart to have enabled a method, system and computer readable medium for providing product selection links for selecting and adding selected products to said universal shopping cart; providing a search component for searching a local database fro information relating to at least one product prior to searching at least one website for

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said information and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site – in order to simplify the interface as well check out process for online shoppers. DiAngelo discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a search component for searching a local database for information relating to at least one product prior to searching at least one website for said information; providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart (see at least Abstract and Col 2, lines 21 – 51). Redcart discloses a method, system with apparatus including a computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site (see at least Abstract and Page 2, lines 32 - 44). Therefore, one of ordinary skill in the art would have been motivated to extend the method, system and apparatus with computer readable medium of DiAngelo with a method, system and apparatus with computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. In this manner, the online shopper's satisfaction

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will be increased as a result of the simplified process of shopping and buying across heterogeneous sites, which will save time. With this increase in satisfaction, the probability will be increased that the online shopper will return for future shopping needs as well as recommending the site to others.

Regarding claim 2, DiAngelo teaches a method, wherein retrieving said universal shopping cart comprises determining whether an existing universal shopping cart is associated with the customer; and creating a new universal shopping cart when no existing universal shopping cart is associated with the customer (Abstract).

Regarding claim 9, Redcart teaches a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol (Page 8, lines 21 - 26).

Regarding claim 10 and related claim 12, Redcart teaches a method, wherein the process of injecting said product order is performed by obtaining services from a merchant's site associated with said selected product; pattern matching said services; and creating instances of parameterized service for each state that contain essential details required to navigate said merchant's site and place said product order, wherein a state is a set of methods and data that have input criteria and exit criteria for any section of the form in the check out process (Abstract and Page 3, lines 30 - 33).

Regarding claim 22, DiAngelo teaches a method, wherein said product information includes information on a plurality of products of the same product type sold by a plurality of merchants to allow the consumer to view product information and compare products of the same product type sold by different merchants using the consistent user interface (Abstract and Col 2, lines 45 – 51 and Col 3, lines 25 -27) and (claim 23) further comprising assigning a product key to each of said at least one selected product to uniquely identify each of said at least one selected product and a merchant associated with said at least one selected product (Col 4, lines 34 – 39).

Regarding claim 24, DiAngelo teaches a method, wherein said universal shopping cart is retrieved from a universal shopping cart database that includes consumer information and information on any previously saved product items (Abstract and Col 2, lines 21 - 51).

Regarding claim 25, Redcart teaches a method, further comprising obtaining an order confirmation from said merchant; and notifying the consumer of said order confirmation (Page 16, lines 36 -38). Please note that Redcart does not specifically disclose order confirmation. However, in online methods and systems it was old and well known that at the completion of the ordering and confirmation page notifies the customer. In this regard, the consumer will be ensured that the order has been accepted and is being processed.



Regarding claim 26 and related claim 36, Redcart teaches a method, further comprising determining shipping information from said merchant; and notifying the consumer of said shipping information (Page 3, lines 31 – 34 and Page 6, lines 20 – 25).

Regarding claim 28, Redcart teaches a method, further comprising providing a network presence to allow the consumer to select and order said at least one product without leaving said network presence (see at least Abstract and Page 8, lines 21 - 35) and (claim 29) wherein said network presence is an Internet Web site (Figure 4) as well as (claim 30) wherein said network presence is a proprietary shopping site configured to receive product browsing, selection, and ordering commands from the consumer via the network (Page 8, lines 21 - 35 and Figure 4).

Regarding claim 48 and related claim 49, DiAngelo teaches said local database is populated with said information by at least one product vendor/manufacture (Abstract and Col 7, lines 2 – 8).

Regarding claim 50 and related claim 51, DiAngelo teaches a method retrieving new product information from a website when said information is outdated information as well as updating the local database (Col 6, lines 33 – 39 and Col 8, lines 31 – 35).

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**Claims 3 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Redcart, as applied to claims 1 and 31 above and further in view of Jacobs (US 6,334,114 B1).**

The combination of DiAngelo and Redcart disclose and teach substantially the applicant's invention.

However, the combination does not specifically teach a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated.

On the other hand and regarding claim 3 and related claim 32, Jacobs teaches a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated (see at least Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of DiAngelo and Redcart with the method and system of Jacobs to have enabled a method and system, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated – in order to be assured of the shoppers identity. The combination of DiAngelo and Redcart discloses a

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method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Jacobs in turn discloses a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated (Figure 8). Thereby, one of ordinary skill in the art at the time of the invention would have been motivated to extend the combination of DiAngelo and Redcart to disclose a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated. Indeed, this will increase trust in the transaction by participating merchants as well as reduce the cost of business as a result of reducing fraudulent transactions.

**Claims 4 – 6, 17 – 21, 27, 31, 33 – 35, 38, and 42 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Redcart as applied to claims 1, 31 and 40 above, and further in view of Ferguson (US 5,966,697).**

The combination of DiAngelo and Redcart disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, system and apparatus with computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system.

On the other hand and in the same area of shopping across multiple online merchants and regarding claim 4 and related claims 5 and 42, Ferguson teaches a method, further comprising retrieving reputation information on the consumer from a reputation database and sending said reputation information to said at least one selected merchant (Col 9, 54 – 65 and Col 10, line 60). Please note that a reputation of most consumers is based on and checked regarding their credit rating via a credit bureau. This checking is done both online and offline and is widely accepted by shoppers. However, the step of requesting individual online merchant's to release information about their individual online shoppers is serious privacy issue and not one that merchant's will knowingly violate by revealing information on shoppers. Indeed, this would expose the online merchant's to extreme litigation risk that would be unacceptable due to privacy violations and not a prudent step to take for any online or offline merchant – for business reasons as well as legal and ethical reasons.

Regarding claim 6, Ferguson teaches a method, wherein said step of injecting at least one product order comprises authenticating an identity of said at least one selected merchant, and injecting at least one product order to said at least one merchant associated with said at least one selected product when the identity of said at least one merchant is authenticated (Figure 8).

Regarding claim 17 and related claim 34, Ferguson teaches a method, further comprising receiving a product type criteria, and searching for information on products provided by said at least one merchant that match said product type criteria (Col 2, lines 33 – 34) and (claim 18) wherein searching further comprises querying a product database having pre-stored product information (Col 3, lines 33 – 34 and Figures 1 and 2) and (claim 19) wherein searching is conducted on the Internet (Figure 1) as well as (claim 20) wherein searching further comprises scraping at least one merchant Web site to obtain product information (Col 2, lines 33 – 34) and (claim 21) wherein scraping a merchant Web site comprises accessing said merchant Web site; searching for information on products in said merchant Web site that match the product type criteria; retrieving said information on products; and exiting said merchant Web site (Col 2, lines 33 – 54 and Col 16, lines 17 – 31). Please note that Ferguson does not specifically disclose, “scraping”. However, Ferguson does disclose searching for a product, obtaining the information as well as exiting. With regard to scraping, the process of obtaining information from a site on a network using “scraping” techniques is old and

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well known. Thereby, one of ordinary skill in the art at the time of the invention would have been motivated to extend the method of Ferguson with a scraping step in order to access and retrieve the information

Regarding claim 27, Ferguson does not specifically disclose wherein the consumer is an electronic agent of a human consumer is also known as shop bots or shopping bots. In that regard, the method of using shopping bots was old and well known at the time of the applicant's invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled the method of Ferguson with shopping bots. In this manner, the customer satisfaction would have been increased due to the additional features to ease the applicant's shopping process.

Regarding claim 33, Ferguson teaches a method, further comprising selecting a common payment method that is common among a plurality of said selected merchants; and paying said selected merchants according to said common payment method (Col 9, lines 38 – 40).

Regarding claim 35, Ferguson teaches a method, further comprising providing billing information to the shopping site (Figure 9F).

Regarding claim 38, Ferguson teaches a method, further comprising receiving at least one order confirmation from the shopping site (Figure 8).

Regarding claim 43, Ferguson teaches an apparatus further comprising a merchant server for providing product information and receiving product orders injected by said processing unit (Abstract and Figure 1).

Regarding claim 44, Ferguson teaches an apparatus, wherein said merchant server comprises a network interface for interfacing the network; a memory for storing a purchase service program; and a processing unit that processes the product orders according to said purchase service program (Abstract and Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of DiAngelo and Redcart with the method and system with apparatus including a computer readable program of Ferguson to have enabled a method, system and apparatus with computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system. The combination of DiAngelo and Redcart discloses a method, system with apparatus including a computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping

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cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Ferguson discloses a method a method, system with apparatus including a computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system (Abstract and Figures 1 – 8). Therefore, one of ordinary skill in the art would have been motivated to extend the method, system and apparatus with computer readable medium of DiAngelo with a method, system and apparatus with computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system.

**Claims 7, 8, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Redcart, as applied to claims 1, 31 and 40 above and further in view of alexa.com screen captures via the WayBackMachine (archieve.org) and dated Feb 29, 2000 (hereafter referred to as “Alexa”).**

The combination of DiAngelo and Redcart disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, further comprising retrieving reputation information on said at least one selected merchant from a reputation



On the other hand and regarding claim 7 and related claims 8, 37 and 41, Alexa teaches a method, further comprising retrieving reputation information on said at least one selected merchant from a reputation database (Page 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of DiAngelo and Redcart with the method and system of Alexa to have enabled a method and system further comprising retrieving reputation information on said at least one selected merchant from a reputation database – in order to provide shoppers with relative ratings on each merchant. The combination of DiAngelo and Redcart discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a search component for searching a local database for information relating to at least one product prior to searching at least one website for said information; providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Alexa in turn discloses a method, further comprising retrieving reputation information on said at least one selected

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merchant from a reputation database (Page 2). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of DiAngelo and Redcart with a method and system comprising retrieving reputation information on said at least one selected merchant from a reputation database. In this manner, the shoppers satisfaction will be increased due to a more complete review of a merchant and thereby increase the probability that they will recommend the site to others.

**Claims 11 and 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Redcart as applied to claims 1 and 13 above and further in view of Phillippe (US 6,643,624 B2).**

The combination of DiAngelo and Redcart substantially disclose and teach the applicant's invention.

However, the combination does not specifically disclose a method, wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts; further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of injecting at least one product order until all of the product orders have been processed; further comprising generating at least one product key each of which uniquely identifies each of

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the selected products and a merchant associated with the selected product; further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product; further comprising determining at least one common payment method supported by said at least one selected merchant; and paying said at least one selected merchant according to said common payment methods

On the other hand and regarding claim 11, Phillippe teaches a method, wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts (Figure 2D).

Regarding claim 13, Phillip teaches a method, further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of injecting at least one product order until all of the product orders have been processed (Abstract).

Regarding claim 14, Phillippe teaches a method, further comprising generating at least one product key each of which uniquely identifies each of the selected products and a merchant associated with the selected product (Figure 2D).

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Regarding claim 15, Phillippe teaches a method, further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product (Figure 2D).

Regarding claim 16, Phillippe teaches a method, further comprising determining at least one common payment method supported by said at least one selected merchant; and paying said at least one selected merchant according to said common payment methods (Figure 2D).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of DiAngelo and Redcart with the method of Phillippe to have enabled a method wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts; further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of injecting at least one product order until all of the product orders have been processed; further comprising generating at least one product key each of which uniquely identifies each of the selected products and a merchant associated with the selected product; further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product; further comprising determining at least one common payment method supported by said at least one

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selected merchant; and paying said at least one selected merchant according to said common payment methods. In turn, the combination of DiAngelo and Redcart disclose the independent claims as recited. Phillippe discloses a method wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts; further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of injecting at least one product order until all of the product orders have been processed; further comprising generating at least one product key each of which uniquely identifies each of the selected products and a merchant associated with the selected product; further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product; further comprising determining at least one common payment method supported by said at least one selected merchant; and paying said at least one selected merchant according to said common payment methods (Abstract and Figure 2D). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of DiAngelo and Redcart with a method wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts; further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of

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injecting at least one product order until all of the product orders have been processed; further comprising generating at least one product key each of which uniquely identifies each of the selected products and a merchant associated with the selected product; further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product; further comprising determining at least one common payment method supported by said at least one selected merchant; and paying said at least one selected merchant according to said common payment methods.

### ***Response to Arguments***

Applicant's arguments filed 4-28-05 have been fully considered but they are not persuasive.

Applicant argues that DiAngelo does disclose or teach a consistent user interface.

The issue here is "displaying information from a web site – within a consistent user interface". In that regard, a browser such as one supplied by Microsoft <sup>TM</sup> and as per the previous rejection provides a consistent user interface. For example, the process of online shopping with the browser of DiAngelo or other browser's will provide a consistent user interface – for displaying information from a web site. Moreover, these browsers are known to one of ordinary skill to provide a consistency of navigation as well with the back and forward buttons. While the applicant alleges that claims

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apparently include common navigational controls, the claim language does not include these limitations. Thereby in a reasonable broad interpretation, the browser as taught by DiAngelo would have "displayed information from a web site – within a consistent user interface" (Figure 1). Furthermore, the NPL supplied by the applicant to define consistent user interface does not overcome the 35 USC 112 rejection as well as the 35 USC 103(a) rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 7:00 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

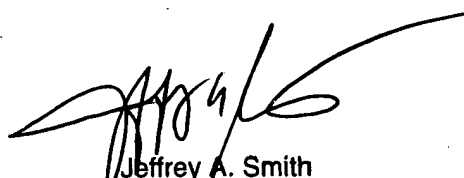
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RER



Jeffrey A. Smith  
Primary Examiner